

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

HINTZ PROPERTIES, LLC; REGIONAL
BUSINESS FUND, INC.; CARLTON
FINANCIAL CORPORATION; U.S.
BANCORP EQUIPMENT FINANCE,
INC.; M&I EQUIPMENT FINANCE
COMPANY; DAIMLER FINANCIAL
SERVICES AMERICAS, LLC;
ANDERSEN CORPORATION; DUNN
COUNTY; and CITY OF MENOMONIE,

Defendants.

Case Number 08-cv-0637-bbc

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matter coming on to be heard before the above Court,
Honorable Barbara B. Crabb, Chief United States District Judge for the Western District
of Wisconsin, presiding without a jury, on the 24th day of June, 2009, the plaintiff,
United States of America ("Plaintiff"), having appeared by its attorney, the Office of the
United States Attorney for the Western District of Wisconsin, and no appearance having
been made on behalf of the defendants herein except as may be noted on the record;
and it appearing by the declaration of Megan McDermott, Assistant United States
Attorney, Office of the United States Attorney, on file herein, that all of the defendants

are in default, except as may be set forth in said declaration; and it further appearing that due notice of application for judgment has been made to each of the defendants, and that a certificate of service by mail was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having heard the testimony and fully advised in the premises, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

Findings of Fact

1. The allegations of the Complaint and First Amended Complaint are proven and true.
2. There is now due and unpaid on said note and mortgage as of the 24th day of June, 2009, the following sum:

SEE ATTACHMENT "A".
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said note and mortgage.
4. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.
5. The mortgaged premises are described as follows:

SEE ATTACHMENT "B".
6. The mortgaged premises have been abandoned.
7. Due notice of the pendency of this action was duly filed, after the filing of the Complaint herein, on the filing of the Lis Pendens on the 6th day of November,

2008, and after the filing of the First Amended Complaint, on the filing of the Amended Lis Pendens on the 26th day of November, 2008, and more than twenty (20) days prior to the trial of this action, in the Office of the Register of Deeds for Dunn County, Wisconsin, in the manner and form required by law.

Conclusions of Law

1. Plaintiff is entitled to judgment of foreclosure and sale in the usual form, as prayed for in Plaintiff's Complaint and First Amended Complaint, and in accordance with the above findings of fact.

2. The Summons, Complaint, and First Amended Complaint in the above action were duly served on the defendants herein, unless service of the summons was waived, in which case the signed waiver form has been filed with the Court for said defendants, as set forth in the declaration of Megan McDermott, Assistant United States Attorney, Office of the United States Attorney, on file herein; the time for answering said Complaint and First Amended Complaint has expired; no answer or other response or appearance has been served on or received by Plaintiff's attorney from or made by any of the defendants, except as may be set forth in the declaration of Megan McDermott, Assistant United States Attorney, Office of the United States Attorney, attorney for Plaintiff.

3. Plaintiff is entitled to recover from the defendants the following sum:

SEE ATTACHMENT "A".

4. The mortgaged premises shall be sold as a whole.

5. The mortgaged premises have been abandoned.

6. Deficiency judgment is being sought in this action.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of sale shall be made by publication in The Dunn County News, the newspaper published in the City of Menomonie, County of Dunn, State of Wisconsin.

8. Defendants and their heirs, respectively, and all persons claiming under them or any of them, after the filing of notice of the pendency of this action, be forever barred and foreclosed of all right, title, interest, and equity of redemption in said mortgaged premise so sold.

Now, on application of the Office of the United States Attorney for the Western District of Wisconsin, attorney for Plaintiff,

IT IS ORDERED that judgment of foreclosure and sale of said mortgaged premises, in the usual form as provided by and in accordance with the above findings of fact and conclusions of law, be entered in this action.

Dated this 24th day of June, 2009.

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
Chief United States District Judge
Western District of Wisconsin

ATTACHMENT A

UNITED STATES OF AMERICA v. HINTZ PROPERTIES, LLC, et al.
Case Number 08-cv-0637-bbc

a.	Principal as of June 24, 2009	\$838,934.84
b.	Interest as of June 24, 2009	\$225,895.80
	Total as of June 24, 2009	\$1,064,830.64

c. Court Costs and Disbursements:

(1)	Attorney Fees	\$	200.00
(2)	Marshall Fees	\$	774.52
(3)	Filing Lis Pendens/ Amended	\$	45.00
(4)	Updated Title Opinion	\$	100.00
(5)	Publishing Fees	\$	<u>345.52</u>

Subtotal:	\$	<u>1,465.04</u>
-----------	----	-----------------

TOTAL AS OF JUNE 24, 2009	<u>\$1,066,295.68</u>
----------------------------------	------------------------------

ATTACHMENT B

UNITED STATES OF AMERICA v. HINTZ PROPERTIES, LLC, et al.

Case Number 08-cv-0637-bbc

Location: Dunn County, Wisconsin

Legal Description:

Parcel A

Lots Seven (7) and Eight (8) of Certified Survey Map No. 512, as recorded in Volume 2 of Survey Maps, Page 242; Being a part of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty (20), Township Twenty-Eight (28) North, Range Twelve (12) West, City of Menomonie, Dunn County, Wisconsin.

Parcel B

Parcel 5B of Map of Survey recorded in Volume 335 of Records, Page 853, being part of Lot Five (5) of Certified Survey Map Number 357 recorded in Volume Two (2) of Survey Maps, Page 87; EXCEPT the north sixty (60) feet thereof;

ALSO

Lot Twelve (12) of Certified Survey Map Number 510 recorded in Volume Two (2) of Survey Maps, page 240;

ALSO

Lot Nine (9) of Certified Survey Map Number 512 recorded in Volume Two (2) of Survey Maps, page 242;

All being part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) in Section Twenty (20), Township Twenty-Eight (28) North, Range Twelve (12) West, City of Menomonie, Dunn County, Wisconsin.